

SUBJECT: Second Reading of a Zoning Text Amendment (RZ24-005) to the Brentwood Municipal Code to update regulations related to carwashes, short-term rentals, and alternative fuel stations.

DEPARTMENT: Community Development Department

STAFF: Alexis Morris, Director of Community Development
Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Waive the second reading of and adopt Ordinance No. 1078 and 1079, approving an amendment (Rezone No. 24-005) to the Brentwood Municipal Code including the following:

1. Ordinance 1078, approving amendments to the Brentwood Municipal Code to prohibit new carwashes; allow for the operation of Alternative Fuel Stations in all zones where service stations/gas stations are currently allowed; and add a new land use classification in Section 17.030.030 (Definitions) for Alternative Fuel Station.
2. Ordinance 1079, approving an amendment to Brentwood Municipal Code Chapter 17.796 (Short-Term Rentals) to more clearly define and prohibit short-term rentals.

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinances would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

FISCAL IMPACT

Adoption of the ordinances will not result in a fiscal impact, as staff will continue to process appropriate planning applications through designated review processes, which include the collection of fees for the cost of these processes, in accordance with the City's Cost Allocation Plan.



BACKGROUND

On January 24, 2023, the City Council provided direction to staff on reinitiating the City's Zoning Code Update, including a focused and phased approach, rather than the comprehensive update that was initiated in the summer of 2020. On May 23, 2023, the project scope and budget were finalized when the City Council approved a Professional Services Agreement with De Novo Planning Group to prepare and complete the Focused Zoning Code Update and Objective Design Standards. The work plan approved by the City Council includes three main tasks to complete:

Task 1: Objective Design Standards;

Task 2: Zoning Code Updates required by State Law and the Housing Element;

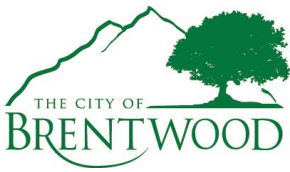
Task 3: Focused Zoning Code updates.

This agenda item is related to Task 3: Focused Zoning Code updates. This task includes amendments to various sections of the Zoning Code to better reflect the community's values based on feedback from the community and City Council, including changes to some permitted and conditionally permitted uses throughout the city.

On November 14, 2023, the City Council provided direction to staff on the following uses to be considered as part of the Focused Zoning Code Update efforts and also directed staff to present the Land Use and Development Committee (LUD) with an initial framework for each of the topics prior to moving forward with comprehensive and formal amendments:

1. Automobile service stations/gas stations
2. Carwashes
3. Alcohol sales
4. Self-storage facilities
5. Short-term rentals (STRs)
6. Drive-through uses

On June 17th and July 15th, LUD was presented with and provided direction on the six topics. Staff received clear recommendations from LUD on three of the topic areas, including automobile service stations/gas stations, carwashes, and short-term rentals (STR), which are now being presented to the City Council for adoption. Staff prepared individual reports for LUD on each of the topics and has included those three reports in Attachment 3 for the City Council's reference.



PLANNING COMMISSION ACTION

The Planning Commission considered this item at a public hearing at its regular meeting of October 15, 2024, and was ultimately supportive of the requested text amendments. The Planning Commission expressed concerns related to enforcement of STRs, however, unanimously adopted Resolution No. 24-041, recommending that the City Council approve the amendments (RZ 24-005), prohibit new automobile service stations/gas stations and carwashes and instead allow for the operation of Alternative Fuel Stations in all zones where currently allowed; add new land use classifications in Section 17.030.030 (Definitions) for Alternative Fuel Station and; and update Chapter 17.796 (Short-Term Rentals) to more clearly define short-term rentals.

CITY COUNCIL MEETING OF NOVEMBER 12, 2024

On [November 12, 2024](#), the City Council considered the proposed amendments to the Brentwood Municipal Code. After deliberation, the City Council was in support of the majority of the proposed amendments; however, the Council did not support a complete ban on future service stations/gas stations at this time. The City Council requested that staff return with further revisions related to service stations/gas stations that would instead limit the overall number of stations in the City. The City Council was in support of the remaining items, and voted 5-0 to introduce and waive the first reading of the proposed ordinance for RZ24-005 to prohibit new carwashes, allow for the operation of Alternative Fuel Stations in all zones where service stations/gas stations are currently allowed, and add new land use classification for Alternative Fuel Station. The revised Ordinance related to carwashes and alternative fuel stations is included within Attachment 2, and the final Ordinance related to STRs is included within Attachment 3.

CITY COUNCIL STRATEGIC INITIATIVE

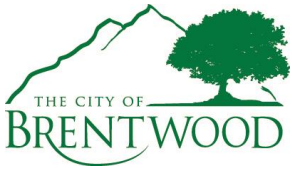
Not applicable.

PREVIOUS ACTION

Previous action by the City Council is included on Attachment 1.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the [Brentwood Press](#) on November 1, 2024, for the November 12, 2024 public hearing held on the ordinance.



ENVIRONMENTAL DETERMINATION

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinances would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

ATTACHMENT(S)

1. Previous Actions
2. Ordinance 1078 – Carwashes
3. Ordinance 1079 – Short-term Rentals